

**UNITED STATES BANKRUPTCY COURT  
NORTHERN DISTRICT OF GEORGIA  
GAINESVILLE DIVISION**

<b>IN RE:</b>	:	<b>CHAPTER 13</b>
<b>PAUL DOUGLAS WOODALL</b>	:	<b>CASE NUMBER G14-20261-REB</b>
<b>SAMANTHA SUSAN WOODALL</b>	:	
<b>DEBTORS</b>	:	<b>JUDGE BRIZENDINE</b>

**CHAPTER 13 TRUSTEE'S OBJECTION TO  
CONFIRMATION AND MOTION TO DISMISS CASE**

COMES NOW, Nancy J. Whaley the Standing Chapter 13 Trustee herein, and objects to Confirmation of the plan for the following reasons:

1.

The Debtors' payments under the proposed plan are not current, thus indicating that this plan is not feasible. 11 U.S.C. 1325(a)(6).

2.

The Chapter 13 Trustee is unable to determine the feasibility of the Debtors' Chapter 13 Plan because Internal Revenue Service records indicate tax returns have not been filed for the period(s) ending December 31, 2010, December 31, 2011, and December 31, 2012. The failure to file tax returns for the four (4) year period prior to the filing of the bankruptcy case is in violation of 11 U.S.C. Section 1308. (Debtor husband – 2011)(Debtor wife - 2010, 2012, 2013)

3.

The plan as proposed will extend beyond sixty (60) months, contrary to 11 U.S.C. Section 1322(d). (75 months).

4.

The Debtors have failed to provide to the Trustee a copy of the last tax return filed with Internal Revenue Service in violation of 11 U.S.C. Section 521(e)(2)(A). (2013)

5.

The Chapter 13 Trustee requests proof of the post-petition mortgage payments in order to determine feasibility of proposed plan pursuant to 11 U.S.C. 1325(a)(6).

6.

The Trustee requests a copy of Debtors' 2013 tax return filed with the Internal Revenue Service; proof of utilities in the amount of \$480.00; and proof of transportation in the amount of \$450.00 in order to determine the accuracy and veracity of the plan and/or Schedules. 11 U.S.C. 521(1), 1325(a)(3), 1325(b)(1)(B).

7.

The Trustee requests proof of funding of a tax escrow account pursuant to Schedule J which reflects a monthly tax payment obligation of \$1,750.00 per month. 11 U.S.C. Section 1325(a)(6).

8.

The Trustee requests proof of Debtors' income and expenses; and proof of self-employment account receivables in order to determine the accuracy and veracity of the plan and/or Schedules. 11 U.S.C. 521(1), 1325(a)(3), 1325(b)(1)(B).

9.

The Chapter 13 Plan proposes for additional attorney fees, above the base fee, to be paid on an hourly basis or task basis. The language for the additional fees does not comply with the requirements of General Order Number 6-2006, and the Trustee cannot administer the payment of the fees as proposed.

10.

The Debtors proposes to retain real property with pre-petition arrearage of \$80,000.00 and negative equity of \$100,000.00, while paying unsecured creditors a zero percent (0%) dividend which may violate 11 U.S.C. Section 1325 (a)(3).

11.

The plan proposes to strip a residential mortgage and for the claim to be treated as a general unsecured claim. The Debtors have failed to file an adversary or motion to accompany this plan provision. This provision may be in violation of 11 U.S.C. Section 506 and 11 U.S.C. Section 1322(b)(2). (HSBC Mortgage Service)

12.

The Chapter 13 budget reflects a \$440.00 per month telecommunication expense, an expense amount that may be excessive and unnecessary for the maintenance or support of the Debtors' dependents in a composition plan in violation of 11 U.S.C. Section 1325(b)(2)(A), Section 1325(a)(3) and Section 1325(a)(7).

WHEREFORE, the Trustee moves the Court to inquire into the above objections, deny Confirmation of the Debtors' plan and dismiss the case.

Respectfully Submitted,

/s/  
Eric W. Roach, Attorney for Chapter 13 Trustee  
GA Bar No. 143194

/ds

**CERTIFICATE OF SERVICE**

This is to certify that I have this day served:

Debtors:  
Paul Douglas Woodall  
Samantha Susan Woodall  
146 Beech Creek Cir.  
Winder, GA 30680

Attorney for Debtors:  
Hicks, Massey & Gardner LLP  
53 W Candler St  
P. O. Box 721  
Winder, GA 30680

With a copy of the foregoing Trustee's Objection by depositing in the United States Mail a copy of same in a properly addressed envelope with adequate postage thereon.

THIS THE 21<sup>st</sup> day of March, 2014

/s/  
Eric W. Roach, Attorney for Chapter 13 Trustee  
GA Bar No. 143194  
303 Peachtree Center Ave, NE - Suite 120  
Atlanta, Georgia 30303  
(678) 992-1201